

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 89-CR-211

JOHN FRANCIS ASHLEY,

Defendant.

OPINION AND ORDER

Having reviewed the submissions of the parties, the court ORDERS that John Ashley's "Motion to Clarify Petition" (filed November 15, 2005) IS DENIED. The government has shown that the proposed clarification would be futile because the change in the sentencing guidelines upon which Ashley appears to be basing his argument cannot be applied retroactively to his case.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 30th day of November, 2005.

s/Thomas J. Curran

THOMAS J. CURRAN

United States District Judge